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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,179	08/20/2003	David T. Ross	457390	5706

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EXAMINER

TRAN, HANH VAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,179	ROSS, DAVID T.	
	Examiner	Art Unit	
	Hanh V. Tran	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 6/12/2006.

Drawings

2. The drawings were received on 6/12/2006. These drawings are acceptable.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

4. Claims 1-2, 4-18, 20 are objected to because of the following informalities: (1) claim 1, line 6, "the rear side" should be "the rear surface", (2) claim 4, line 3, "parallel to the second plane" should be "parallel to a second plane", (3) claim 11, line 4, "mounting structure" should be either "a mounting structure" or "mounting structures". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 8, 11-14, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,161,870 to Mason et al.

Mason et al discloses a drawer comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a drawer body including a bottom wall 12 and a peripheral wall structure 14 extending upwardly from the bottom wall, a mounting structure, such as shown in Fig 2, on the peripheral wall structure and including a base portion projecting forwardly from the peripheral wall structure and an attachment portion 34 projecting from the base portion, a front panel 20 having an elongated panel wall having a front surface 38 and a rear surface 40, a projection 48 on the panel wall having a base portion extending rearwardly from the rear surface of the panel wall and an attachment portion integral with the base portion and extending therefrom substantially parallel to the rear surface of the panel wall for cooperation with the rear surface of the panel wall to define an open-ended channel therebetween; wherein the attachment portion of the mounting structure extends substantially parallel to a facing portion of the rear side of the wall, the channel extends the entire length of the wall, and the front panel is crimped to the mounting structure. Mason et al further discloses the wall including, such as shown in Fig 4, a first portion extending substantially parallel to a first plane and a second portion 54 extending substantially parallel to a second plane inclined with respect to the first plane, the projection 48 is a first projection, and further comprising a second projection on the wall and having a base portion extending rearwardly from the rear surface of the wall and an attachment

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portion integral with the base portion of the second projection and extending therefrom along the rear surface 40 of the wall for cooperation with the rear surface of the wall to define a second channel.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al.

Mason et al discloses all the structural elements recited in the above listed claims as discussed in paragraph #6. The differences being that Mason et al does not disclose the method of making the drawer as recited in claims 21 and 22. However, since Mason et al discloses all the structural limitations recited therein, it would have been obvious and well within the level of one skill in the art to perform the method steps recited in claims 21-22.

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10. Claims 1-2, 4-7, 9-12, 14-15, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,842,420 to Hansen et al in view of USP 3,526,934 to Owen, Sr..

Hansen et al discloses a drawer comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a drawer body including a bottom wall and a peripheral wall structure 11-12 extending upwardly from the bottom wall, a mounting structure on the peripheral wall structure and including a base portion projecting forwardly from the peripheral wall structure and an attachment portion projecting from the base portion and extending above and below the base portion, a front panel 10 having an elongated panel wall having a front surface and a rear surface, first and second projections on the panel wall each having a base portion extending rearwardly from the rear surface of the panel wall and an attachment portion integral with the base portion and extending therefrom along the rear surface of the panel wall for cooperation with the rear surface of the panel wall to define a channel therebetween in opposite directions, the attachment portion of the mounting structure being slidably receivable in the channel of the front panel 10, the peripheral wall structure including two side walls 11-12, the mounting structure including portions projecting from each side wall 11-12; wherein the drawer pull projects forwardly of the wall and extends the entire length thereof. The different being that Hansen et al does not disclose the attachment portion of the projection extending substantially parallel to the rear surface for cooperation with the rear surface of the wall to define an open-ended channel therebetween, one of the first and second projections including portions cooperating

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with the rear surface of the wall to define channels respectively opening in opposite direction, and the projection is substantially T-shaped in transverse cross-section.

However, Owen, Sr. teaches that it is well known in the art and well within the level of one skill in the art to provide interlocking means for connecting two members with either a dovetail configuration (such as shown in Fig 5) or a T-slot configuration (such as shown in Fig 9) in order to increase the versatility of the interlocking means. Therefore, it would have been obvious to modify the dovetail configuration of Hansen et al by providing a T-slot configuration in order to increase the versatility of the interlocking means, as taught by Owen, Sr. , since both teach alternate conventional interlocking means structure, used for the same intended purpose of connecting two members, thereby providing structure as claimed. Since the projection of Hansen et al, as modified by Owen, Sr., now shows a T-slot configuration, the projection includes portions cooperating with the rear surface of the wall to define channels respectively opening in opposite direction.

Allowable Subject Matter

11. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to Hansen et al have been considered but are moot in view of the new ground(s) of rejection.

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13. Applicant's arguments filed 6/12/2006 have been fully considered but they are not persuasive. In response to applicant's arguments on page 13 that Mason fails to disclose the projection having an attachment portion and a base portion, with the attachment portion extending substantially parallel to the rear surface of the front wall for cooperation with the rear surface to define an open-ended channel, the examiner takes the position that Mason clearly discloses and figure 2 clearly shows that projection 48 being an L-shaped flange; therefore one leg of the L-shaped flange extends rearwardly from and perpendicular to the rear surface of the front panel 20 (defining the base portion), with the other leg of the L-shaped flange extends downwardly and substantially parallel to the rear surface of the front wall for cooperation with the rear surface to define an open-ended channel (defining the attachment portion) for receiving attachment portion 34.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
August 18, 2006

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